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C O N F I D E N T I A L SECTION 01 OF 02 SEOUL 11122
E.O. 12065: GDS 08/25/88 (MCNJC, JOHN C.) OR-M
TAGS: PINT PGOV SHUM KS
SUBJECT: KIM DAE JUNG TRIAL (REPORT NO. 8)
REF: SEOUL 10873

1. (C- ENTIRE TEXT)

2. SUMMARY: DEFENSE QUESTIONING OF KIM DAE JUNG WAS COMPLETED AT NOON AUGUST 25. KIM REPEATEDLY DENIED TRYING TO OVERTHROW THE INTERIM GOVERNMENT OR INCITING ANYONE ELSE TO DO SO. ON THE CONTRARY, KIM SAID HE HAD OFTEN COUNSELED STUDENTS "WHO ARE OFTEN TOO EXCESSIVE," TO TEMPER THEIR DEMANDS. KIM SAID HE HAD "NEVER" GIVEN MONEY TO STUDENTS TO ENCOURAGE VIOLENT DEMONSTRATIONS. THE CHARGES THAT HE HAD GIVEN LARGE AMOUNTS OF MONEY TO A REINSTATED STUDENT IN KWANGJU ARE PREPOSTEROUS SINCE HE NEVER MET THE STUDENT IN QUESTION. HE HAD EARLIER SIGNED A STATEMENT THAT HE HAD GIVEN THE FUNDS BECAUSE OF THE HEAT TORTURE HE HAD UNDERGONE FOR A LENGTHY PERIOD, AND BECAUSE THE

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INTERROGATORS TOLD HIM HE COULD LATER REPUDIATE HIS STATEMENT IN COURT. IF THE "THREE KIMS" HAD BEEN ALLOWED TO COMPETE FREELY FOR THE PRESIDENCY OF THE ROK, KIM DAE JUNG WOULD CERTAINLY HAVE WON, HE SAID. KIM SAID HE HAD OPPOSED THE MOVEMENT TO SAVE PRESIDENTIAL ASSASSIN KIM CHAE KYU'S LIFE. THE QUESTIONING WILL CONTINUE WITH THE REST OF THE SIX MAIN DEFENDANTS (AND POSSIBLY THE OTHER SEVEN LESS IMPORTANT DEFENDANTS). AFTER THAT WITNESSES FOR BOTH THE PROSECUTION AND DEFENSE WILL BE CALLED AND EVIDENCE INTRODUCED. DEPUTY ASSISTANT LEGAL ADVISOR JEFFREY SMITH ATTENDED THE SESSION. END SUMMARY.

3. THE DEFENSE COMPLETED ITS QUESTIONING OF KIM DAE JUNG (A-M: KIM DAE-CHUNG) THE MORNING OF AUGUST 25. BEFORE THE QUESTIONING STARTED, THE PROSECUTION ASKED THAT KIM BE QUESTIONED ALONE, AND THE OTHER FIVE DEFENDANTS WERE

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DEPARTMENT OF STATE A/CDC/MR
REVIEWED BY H. Teeple DATE 8/18/82
PORTIONS DENIED AS INDICATED

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LED OUT OVER THE DEFENSE'S OBJECTIONS. FOLLOWING ARE HIGHLIGHTS OF THE DEFENSE'S QUESTIONING:

4. STUDENTS: KIM FAULTED THE STUDENTS FOR THEIR VIOLENT ACTS WHICH "WERE TOO EXCESSIVE" IN 1960. SUCH THINGS AS EX POST FACTO LEGISLATION ARE NOT FAIR, AND STUDENTS SHOULD NEVER BE ALLOWED TO TOPPLE A GOVERNMENT. KIM SAID HE HAD "REPEATEDLY URGED THEM (THE STUDENTS) NOT TO TRY TO OVERTHROW THE GOVERNMENT BY FORCE. I BELIEVE THEY SHOULD HAVE BEEN MORE PATIENT. AFTER OCTOBER 26 I PROMISED MYSELF THAT I WOULD NEVER ORGANIZE STUDENTS FOR POLITICAL PURPOSES." THERE WAS LESS PUBLIC SUPPORT FOR STUDENT DEMANDS IN 1980 THAN THERE WAS IN 1960, BECAUSE EARLIER THIS YEAR PEOPLE HAD EXPECTED THE GOVERNMENT WOULD MAKE GOOD ON ITS PROMISE OF POLITICAL DEVELOPMENT. IN RESPONSE TO A DIRECT QUESTION, KIM SAID HE HAD "NEVER GIVEN FUNDS TO STUDENTS FOR VIOLENT DEMONSTRATIONS.

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5. KIM'S TRY FOR THE PRESIDENCY: KIM'S LAWYER ASKED HIM HOW HE PLANNED TO ACHIEVE POWER WITHOUT VIOLENCE. "VERY SIMPLE. I WANT[illegible] MOU
[illegible]OLITEUGH PUBLIC
OPIC[illegible] PRESSURE
TO CAUSE THE GOVERNMENT TO HOLD A FREE AND FAIR ELECTION. THROUGH IT, I WOULD WIN THE PRESIDENCY." KIM SAID HE HAD NO DOUBT OF CIA
AY IF THE "THREE KIMS" WERE ALLOWED TO COMPETE FREELY IN AN ELECTION.

6. KIM[illegible]
[illegible]
RESPECT TO
JOIN THE [illegible]DEMOCRATIC PARTY (NDP) BECAUSE FPI [illegible]
[illegible]
[illegible]
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MILITARY SUPPORT FOR HIS CAUSE, AND HAD SAID SO IN HIS
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SPEECH AT THE HAN-IK THEOLOGICAL SEMINARY. HE OPPOSED THE
MOVEMENT TO FREE PRESIDENTIAL ASSASSIN KIM CHAE-KYU.
7. KIM'S CONNECTION WITH CHONG TONG-WON AND ALLEGATION
OF NEAR TORTURE: KIM DENIED GIVING ANY MONEY TO CHONG,
A REINSTATED STUDENT AT CHONNAM UNIVERSITY. KIM CLAIMED
THAT HE HAD NEVER EVEN MET CHONG. KIM SAID HE TOLD HIS
NOTE BY OC/T: SEOUL 11187 01 AS RECEIVED. CORRECTION TO FOLLOW.
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INTERROGATORS EXACTLY THAT MANY TIMES, BUT THEY TOLD HIM CO-DEFENDANT KIM SANG-KYONG (M-R) HAD ADMITTED THE CHARGE, KIM DAE JUNG WOULD BE TORTURED IF HE DID NOT DO THE SAME, AND THAT IF HE SIGNED THE STATEMENT DURING INTERROGATION, HE COULD DENY IT LATER IN COURT. (KIM HAD EARLIER ALSO CLAIMED THAT HE WAS KEPT NAKED AND INTERROGATED 12 TO 14 HOURS A DAY.) "I AM CHARGED WITH WORSE OFFENSES, SO I REALLY DON'T CARE TOO MUCH ABOUT THIS CHARGE. HOWEVER, THE TRUTH IS THAT IT DID NOT HAPPEN AT ALL."

5. PROCEDURE: ALTHOUGH THE COURT CAUTIONED KIM TO KEEP HIS ANSWERS SHORT AND TO THE POINT A COUPLE OF TIMES, HE WAS RELATIVELY FREE TO EXPAND ON HIS REPLIES. AT ONE POINT THE PROSECUTION ASKED THAT KIM'S LAWYER STOP REFERRING TO CO-DEFENDANTS AS SO-AND-SO "SONSAENGNIM" (THE HONORABLE MISTER) OR "HO UN SUN" "THE POET HO U." THE PROSECUTION SAID THAT HO'S PEN NAME SHOULD NOT BE USED AND THAT OTHER DEFENDANTS SHOULD BE CALLED "THE ACCUSED" OR AT LEAST NOT HAVE AN HONORIFIC ATTACHED TO THE NAME.

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KIM'S LAWYER SAID THERE WAS NOTHING IN THE LAW THAT PREVENTED HONORIFIC APPELLATIONS, BUT THE COURT RULED FOR THE PROSECUTION. THE SESSION CONCLUDED AT NOON AFTER HO KYONG-HAN (M-R), KIM'S CHIEF DEFENSE ATTORNEY, HAD ASKED KIM ABOUT 30 QUESTIONS, AND HO'S ASSISTANT HAD ASKED KIM ABOUT 20 QUESTIONS.

6. TIMING: AFTER THE DEFENSE HAS FINISHED ITS QUESTIONING OF DEFENDANTS ON AN INDIVIDUAL BASIS, BOTH THE PROSECUTION AND DEFENSE WILL MOVE TO CALL OTHER WITNESSES AND EVIDENCE WILL BE INTRODUCED. AFTER THAT THE PROSECUTION AND DEFENSE WILL SUM UP (IN THAT ORDER) AND THE COURT WILL HAND DOWN ITS VERDICT TWO OR THREE WORKING DAYS LATER.

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